

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ZITO FAMILY TRUST, et al.,

Plaintiffs,

v.

JOHN HANCOCK FINANCIAL  
SERVICES, INC.,

Defendant.

No. 2:21-cv-02098-DAD-DB (PS)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIS ACTION

(Doc. No. 44)

Plaintiffs Zito Family Trust and Thomas J. Zito proceed *pro se* in this civil action, which defendant removed to this federal court on November 12, 2021. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 21, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiffs' failure to prosecute this action and failure to obey court orders. (Doc. No. 44.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

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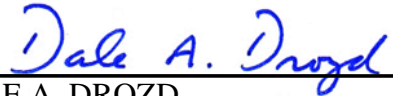
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued on February 5, 2024 (Doc. No. 39) are  
6 adopted in full;
- 7 2. This action is dismissed, without prejudice, due to plaintiffs' failure to prosecute  
8 this action and failure to obey court orders; and
- 9 3. The Clerk of the Court is directed to close this case.

10 IT IS SO ORDERED.

11 Dated: April 2, 2024

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13 DALE A. DROZD  
14 UNITED STATES DISTRICT JUDGE  
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